

**UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WISCONSIN**

BARRY EARLS, THOMAS FETSCH,
TRENT SHORES, STEVE SCHUSSLER,
CASSIE LIETAERT and CHRIS JESSE,
*individually and on behalf of a class of
similarly situated individuals,*

Plaintiffs,

v.

MENARD, INC., a Wisconsin corporation,

Defendant.

Case No. 20-CV-107

Judge: Hon. James D. Peterson

**DECLARATION OF DAVID S. ALMEIDA
IN SUPPORT OF PLAINTIFFS' MOTION TO RECONSIDER**

I, David S. Almeida, affirm and state as follows:

1. I am a Partner at Benesch Friedlander Coplan & Aronoff LLP and an attorney of record for Plaintiffs Barry Earls, Thomas Fetsch, Trent Shores, Steve Schussler, Cassie Lietaert and Chris Jesse.

2. I am of legal age and sound mind and make this statement based upon my own personal knowledge.

3. I graduated from Cornell Law School in 1999, and have been a practicing lawyer since that time.

4. I am licensed to practice law in New York, Illinois and Wisconsin, and admitted in numerous federal district and appellate courts.

5. I am the co-chair of my Firm's class action practice group, and have over the course of my career defended nearly a hundred consumer class action lawsuits primarily representing retail, hospitality, healthcare and consumer packaged goods companies.

6. Attached hereto as **Exhibit A** is a true and correct copy of my firm resume as displayed on Benesch's website.

7. Attached hereto as **Exhibit B** is a true and correct copy of co-counsel Sabita Soneji's firm resume as displayed on her firm's (Tycko & Zaveeri LLP) website.

8. Attached hereto as **Exhibit C** is a true and correct copy of certain excerpts from the "Time Entries Log" attached as Exhibit A the Declaration of Brian P. Norton filed by Defendant Menard, Inc. Motion for Miscellaneous Relief.

9. The highlighting in the attached document has been added to direct the Court's attention to the entries demonstrating the significant number of hours expended by Menards' counsel reviewing the transaction histories of the representative Plaintiffs despite their contention that all information needed to determine the viability of their claims was in possession as of November 2020.

10. All of the time entries set forth in **Exhibit C** hereto occurred after November 25, 2020; specifically, Menards' counsel contends that it spent dozens and dozens of hours (from January 20, 2021 through and March 24, 2021) reviewing and analyzing Plaintiffs' transaction data.

Dated: May 13, 2022

/s/ David S. Almeida
David S. Almeida